

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

| | |
|--|---|
| <p>UNITED STATES OF AMERICA, Plaintiff, v. ANDRES PULIDO-CERVANTES, Defendant.</p> | <p>MEMORANDUM DECISION AND ORDER CONTINUING CUTOFF DATES AND JURY TRIAL AND EXCLUDING TIME Case No. 2:11-CR-124 TS</p> |
|--|---|

Based upon motion of the defendant, the stipulation of the government, the Court finds as follows. There has been no prior continuance in this case. Within the last week, the government has received additional discovery materials. That material will be provided to counsel for the Defendant. Counsel will then need to review the material together with Defendant. An interpreter must be scheduled to aid counsel and Defendant with the review and to aid counsel with interviews of possible witnesses. The Court finds that counsel has been diligent but that as a result of the new material, counsel requires additional time to prepare for trial. Co-Defendant Raul Reyes-Hernandez has no objection to the requested continuance. The Court further finds that to deny the requested continuance under these circumstances would deny counsel for the Defense the time required for adequate trial preparation, taking into account due diligence. Because the time is required for effective preparation, the Court finds that the ends of justice served by the continuance outweighs the interest of the Defendant and the public in a speedy trial account the exercise of due diligence.

18 U.S.C. § 3161(h)(7)(B)(iv).

It is therefore,

ORDERED that Defendant's Motion to Continue (Docket No. 24) is GRANTED and the time from the date of the filing of the motion through the date of the new trial is excluded from the calculation of time in which a trial must commence under 18 U.S.C. § 3161(H)(7). It is further

ORDERED that the motion cut off date is continued to May 20, 2011. It is further

ORDERED that the plea agreement cut off date is continued to June 8, 2011; and the final pretrial date is June 6, 2011, at 2:30 p.m. It is further

ORDERED that the three-day jury trial is stricken and reset for trial on the 27th day of June 2011, at 8:30 a.m.

DATED this 29th day of March 2011.

BY THE COURT:



TED STEWART
U.S. District Court Judge